IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 24708 of 2007(N)

PETITIONER:

HAMSA, S/O.ABOOBACKER KUNJU,
AGED 57 YEARS, RESIDING AT TC 3/1451,
CHIRAYARIKATHU PUTHEN VEEDU, KAVADITHALACKAL,
MANIKALESWARAM, VAZHAYILA, THIRUVANANTHAPURAM.

BY ADV. SRI.N.R.SURESH KUMAR
SRI.J.JAYAKUMAR

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT INSTITUTION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. CHIRAYINKEEZHU GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DIST.

3. THE SECRETARY,
CHIRAYINKEEZHU GRAMA PANCHAYATH,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DIST.

4. KATTUMURAKKAL MUSLIM JAMA ATH,
REPRESENTED BY ITS PRESIDENT,
MUDAPMAM P.O., CHIRAYINKEEZHU,
THIRUVANANTHAPURAM.

R2 & R3 BY ADV. SRI.C.J.JOY
R1 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.24708/07

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF NOTICE DT.29.4.06 ISSUED BY R3 TO USBAIDA BEEGUM.

EXT.P2 – TRUE COPY OF NOTICE DT.26.8.06 ISSUED BY R3 TO DO.

EXT.P3 – TRUE COPY OF JUDGMENT IN WPC.32226/06 DT.4.12.06 OF THIS COURT.

EXT.P4 – TRUE COPY OF ORDER IN APPEAL NO.10/07 DT.28.2.07 OF THE TRIBUNAL FOR LOCAL SELF GOVT. INSTITUTIONS.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.24708 OF 2007

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DATED THIS THE 24TH OCTOBER, 2007

J U D G M E N T

This Writ Petition is filed seeking implementation of the directions in Ext.P4 order passed by the Tribunal for Local Self Government Institutions. Under Ext.P4, the Tribunal set aside the notice issued by the Secretary of the Panchayat directing the 4th respondent to demolish the building and directed passage of fresh orders in relation to the building after giving a hearing opportunity to the petitioner and also to the President of the 4th respondent. The Tribunal also directed the Panchayat to consider the possibility of regularisation in case of submission of an application in that regard.

2. Heard counsel for the petitioner and counsel for the Panchayat.

3. The learned counsel for the Panchayat submits that the Panchayat has done whatever is possible at its end for complying with the directions issued in Ext.P4. Reply from the Town Planning Department is awaited, counsel submits.

4. Considering the stand taken by the Panchayat, this Writ Petition will stand disposed of issuing the following directions:-

The Panchayat will send necessary reminders to the Town

Planning Department and ensure that all the directions in Ext.P4 are complied with at the earliest and at any rate within three months of receiving copy of this judgment. Whatever is necessary in the matter shall be done by the Panchayat and the Panchayat will be responsible for any delay beyond three months.

(PIUS C.KURIAKOSE, JUDGE)

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